

United States Courts
Southern District of Texas
FILED

A091 (Rev. 8/01) Criminal Complaint

JAN 04 2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA
V.
Eduardo LOPEZ

CRIMINAL COMPLAINT

Case Number: C-18-6M-1

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 2, 2018 in Brooks County, in the (Date) Southern District of Texas defendant, **Eduardo LOPEZ**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Christopher Alaniz

Continued on the attached sheet and made a part of this complaint:

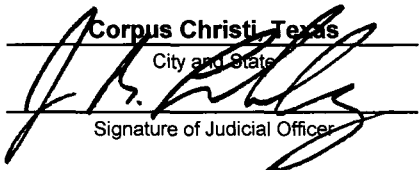
☒ Yes ☐ No

Sworn to before me and signed in my presence, and probable cause found on the:


Signature of Complainant
Christopher Alaniz
Printed Name of Complainant

January 4, 2018
Date
Jason B. Libby U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Corpus Christi, Texas
City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

SYNOPSIS:

On January 2, 2018, Border Patrol Agents encountered and arrested Eduardo LOPEZ at the Falfurrias Border Patrol Checkpoint with one illegal alien as a passenger inside his vehicle.

ENCOUNTER:

On January 2, 2018, Border Patrol Agent (BPA) A. Amador, was assigned immigration inspection duties at the Falfurrias, Texas Border Patrol Checkpoint. At approximately 8:45 p.m. a gray Nissan Altima approached the primary inspection lane. BPA Amador noticed two passengers inside. As the vehicle came to a stop, BPA Amador questioned the driver, later identified as Eduardo LOPEZ, if he was a United States citizen to which he responded "Yes". While LOPEZ did this he showed BPA Amador his United States Passport card. BPA Amador questioned the passenger, later identified as Jorge Adrian HERNANDEZ-Vasquez, if he was a United States citizen and he did not reply. BPA Amador questioned HERNANDEZ if he had any documentation on him and LOPEZ responded "he is my friend; were going to work". BPA Amador questioned HERNANDEZ again for any identification and LOPEZ handed him a birth certificate. BPA Amador questioned HERNANDEZ for his date of birth and he did not know the date of birth on the Birth Certificate. BPA Amador questioned HERNANDEZ for his mother's name (since it states it on the birth certificate he handed me) and he replied with "Alicia". BPA Amador then advised HERNANDEZ his answer was not correct.

As BPA Amador continued to ask HERNANDEZ where he was born and where he lives, HERNANDEZ started to stutter and looked at the LOPEZ for assistance. BPA Amador questioned HERNANDEZ for another form of identification and he replied "my three year old daughter took it from my wallet". Due to HERNANDEZ's inability to answer his questions and his nervous behavior, BPA Amador referred LOPEZ to the secondary inspection area for further immigration inspection.

Once in secondary, BPA H. Aguilar and BPA R. Gonzalez asked LOPEZ and HERNANDEZ to exit the vehicle for further questioning. During questioning, LOPEZ admitted to BPA Aguilar that he knew HERNANDEZ was illegally present in the United States and he was attempting to smuggle him through the checkpoint. HERNANDEZ admitted to being illegally present in the United States and a citizen of Mexico. Both LOPEZ and HERNANDEZ were placed under arrest and escorted into the checkpoint for processing.

MIRANDA WARNING: Principal, Eduardo LOPEZ

LOPEZ was read his Miranda Rights as per Service form I-214, in the language of his preferred choice. LOPEZ signed to the fact that he understood his rights and was willing to make a statement without a lawyer present.

PRINCIPAL STATEMENT: (LOPEZ)

LOPEZ stated he had known HERNANDEZ for about six months. LOPEZ stated he knew HERNANDEZ was illegally present in the United States and that they were going to work in Odessa, Texas. LOPEZ stated he only knew HERNANDEZ by "Jorge". LOPEZ stated he was arrested about four years ago for having four undocumented aliens in his vehicle. LOPEZ stated he did not know where he got the birth certificate, but he knew HERNANDEZ would use the birth certificate at the checkpoint.

NOTE

LOPEZ has been encountered, arrested, and convicted on one previous occasion attempting to smuggle illegal aliens.

MIRANDA WARNING: Material Witness, Jorge Adrian HERNANDEZ-Vasquez

HERNANDEZ was read his Miranda Rights as per Service form I-214, in the language of his preferred choice. HERNANDEZ signed to the fact that he understood his rights and was not willing to make a statement without a lawyer present.

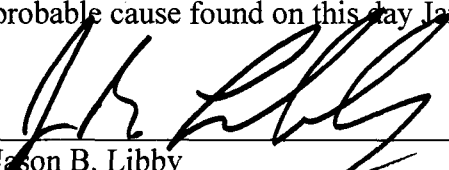
DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Brittany Jensen who accepted Eduardo LOPEZ for prosecution of 8 USC 1324, Alien Smuggling. Jorge Adrian HERNANDEZ-Vasquez will be held as Material Witness.



Christopher Alaniz
Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this day January 4, 2018



Jason B. Libby
United States Magistrate Judge